

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
National Exchange Carrier Association, Inc.)	
)	
Petition to Amend Section 69.104 of the)	RM No. 10603
Commission's Rules)	
_____)	

**REPLY COMMENTS OF THE
UNITED STATES TELECOM ASSOCIATION**

The United States Telecom Association (USTA),¹ through the undersigned and pursuant to the *Public Notice* released by the Federal Communications Commission's (FCC's or Commission's) Wireline Competition Bureau (WCB)² and pursuant to sections 1.415 and 1.419 of the Commission's rules,³ hereby submits its reply comments on the Petition for Rulemaking⁴ filed by the National Exchange Carrier Association, Inc. (NEC). In these reply comments, USTA responds to comments filed by other interested parties and continues to urge the Commission to grant the requested action by NECA to initiate a rulemaking to amend section 69.104 of its rules, limiting to five the number of Subscriber Line Charges (SLCs) assessed on customer-ordered exchange access service that is provisioned using digital, high capacity T-1 interfaces for which the customer supplies the terminating channelization equipment.

¹ USTA is the Nation's oldest trade organization for the local exchange carrier industry. USTA's carrier members provide a full array of voice, data and video services over wireline and wireless networks.

² *Public Notice*, RM No. 10603, DA 02-3062 (rel. Nov. 8, 2002) soliciting comment on the Petition for Rulemaking to amend Section 69.104 of the Commission's Rules, filed by the National Exchange Carrier Association, Inc.

³ 47 C.F.R. §§1.415 and 1.419.

⁴ *National Exchange Carrier Association, Inc. Petition to Amend Section 69.104 of the Commission's Rules*, RM No. 10603, Petition for Rulemaking (Sept. 26, 2002) (Petition).

The record indicates notable support of NECA's Petition.⁵ The only party that has opposed the NECA Petition is AT&T Corp. (AT&T).⁶ Yet, AT&T has failed to demonstrate how the public would be harmed by moving forward at this stage with initiation of a rulemaking on the requested rule change.

In accordance with Section 1.401 of the Commission's Rules,⁷ NECA has set forth in its Petition the proposed rule amendment and the facts, views, argument, and data to support the rule amendment. AT&T argues that the data NECA provides on the identical provisioning and configuration of Primary Rate Interface Integrated Services Digital Network (PRI ISDN) service and Digital Transport Service (DTS) (*i.e.*, exchange access provisioned over T-1 interfaces), and its resulting conclusion that the non-traffic sensitive (NTS) loop costs of both services are the same, is insufficient to support a rule change. Instead of supplying substantive evidence to refute NECA's presentation that identical provisioning and configuration of like services results in the same costs, justifying similar regulatory treatment of such services, AT&T attacks the form of NECA's evidence. Specifically, AT&T focuses on the apparent fact that NECA's data of how its members deploy DTS was derived from a little more than one-third (*i.e.*, 37%) of NECA's members, claiming that the results reflect only a minute sampling of rate-of-return carriers.⁸ Despite AT&T's claims, a sampling of 37% of NECA's members is more than a minute sampling; it is an adequately representative sampling. Without any substantive data from AT&T to refute NECA's data that similarly provisioned and configured services have similar costs, which justify a rule change to accomplish consistent regulatory treatment of such functionally similar services, the Commission should initiate the requested rulemaking.

⁵ See ALLTEL Comments, OPASTCO Comments, NTCA Comments, GVNW Comments, and TDS Telecommunications Comments.

⁶ See Opposition of AT&T Corp.

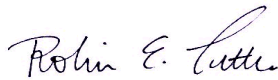
⁷ 47 C.F.R. §1.401.

NECA has met the required burden of proof for demonstrating that the Commission should move forward with initiation of a rulemaking to address a rule change on the number of SLCs assessed on certain T-1 interfaces. AT&T has not supported its opposition to the requested rulemaking with anything more than allegations.

USTA urges the Commission to move forward with a rulemaking to limit to five the number of SLCs assessed on customer-ordered exchange access service that is provisioned using digital, high capacity T-1 interfaces for which the customer supplies the terminating channelization equipment.

Respectfully submitted,

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⁸ See Opposition of AT&T Corp. at 10-11.

CERTIFICATE OF SERVICE

I, Robin Tuttle, do certify that on December 16, 2002 copies of the foregoing Reply Comments of the United States Telecom Association was either sent via electronic mail or deposited in the U.S. Mail, first-class, postage prepaid to the persons on the below service list.

/s/

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